

RECEIVED

OCT 20 2008

ROBERT H. SHERWELL, CLERK  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE, LOUISIANA

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE-OPELOUSAS DIVISION**

Landry

Civil Action No. 08-859

versus

Judge Tucker L. Melançon

State of Louisiana, et al

Magistrate Judge Methvin

**MEMORANDUM RULING**

Before the Court is an unopposed<sup>1</sup> Motion to Dismiss or Strike Punitive Damages filed by defendants the State of Louisiana, through the Department of Public Safety and Corrections, Office of State Police [Rec. Doc. 8]. For the reasons that follow, the motion will be granted.

Defendants filed this motion requesting that plaintiff's demand for punitive damages against them be struck from plaintiff's complaint because punitive damages are not recoverable against the state in a discrimination suit such as this one. *R. 8*. Plaintiff does not oppose the motion.

In his original Complaint, plaintiff alleges that the Louisiana State Police discriminated against him based on his race under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(a)(1) ("Title VII") during his employment as a Louisiana State Police officer. *R. 1*. Plaintiff makes a demand for punitive damages against defendants pursuant to 42 U.S.C. 1981(a)(1). *Id.* 42 U.S.C. §§ 1981a(a)(1) and (b)(1)-(2) provide for damages in cases of intentional employment discrimination under Title VII. These provisions specifically state that a plaintiff can recover

---

<sup>1</sup> Pursuant to Local Rule 7.5W, plaintiff's deadline to file any opposition to this motion was September 2, 2008.

compensatory and punitive damages with the exception that a plaintiff cannot recover punitive damages from a government, government, or political subdivision. *See*, § 1981 a(b)(3)(A)-(D); *Okruhlik v. University of Arkansas ex rel. May*, 255 F.3d 615, 623 (8<sup>th</sup> Cir. 2001) (while Congress explicitly excluded states from liability for punitive damages, it did not include a similar exclusion of states from liability for compensatory damages).

Accordingly, any reference to the recovery of punitive damages against the state of Louisiana must be stricken from the pleadings as a matter of federal law.

*ten*